

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Ludwig STEINHAUSER  
Serial No. : 10/540,226  
Filed : December 27, 2005  
For : PROCESS FOR THE PRODUCTION OF HEAT  
EXCHANGER TUBES CONSISTING OF HALF-TUBES  
OR TUBES, FOR RECUPERATIVE WASTE GAS HEAT  
EXCHANGERS  
Examiner : Kuang Y. LIN  
Art Unit : 1793

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Office electronic filing system on  
Date: June 17, 2008  
Signature: /Helen Tam/

**TRANSMITTAL**

S I R:

Transmitted herewith for filing in the above-identified application is a Response  
to the Notification of Non-Compliant Appeal Brief dated May 22, 2008.

It is respectfully submitted that no fee is required. However, if any fee is required,  
please use Deposit Account No. **11-0600**.

Respectfully submitted,  
KENYON & KENYON LLP

Date: June 17, 2008

By: /Clifford A. Ulrich/  
Clifford A. Ulrich (Reg. No. 42,194)  
One Broadway  
New York, New York 10004  
Tel: 212-425-7200  
Fax: 212-425-5288  
**CUSTOMER NUMBER 26646**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:  
Ludwig STEINHAUSER

Examiner: Kuang Y. LIN

For: PROCESS FOR THE PRODUCTION OF  
HEAT EXCHANGER TUBES  
CONSISTING OF HALF-TUBES OR  
TUBES, FOR RECUPERATIVE  
WASTE GAS HEAT EXCHANGERS

Art Unit: 1793

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Mail Stop Appeal Brief - Patents  
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**RESPONSE TO "NOTIFICATION OF  
NON-COMPLIANT APPEAL BRIEF (37 CFR 41.37)"**

SIR:

This paper is in response to the "Notification of Non-Compliant Appeal Brief (37 CFR 41.37)" ("the Notification") dated May 22, 2008 in connection with the above-captioned application. The Notification contends that the "Appeal Brief Pursuant to 37 C.F.R. § 41.37" ("the Appeal Brief") submitted on May 15, 2008 does not comply with the requirements of 37 C.F.R. § 41.37(c)(1)(v). As indicated in M.P.E.P. § 1205.03, "[w]hen the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed." "Rather," according to M.P.E.P. § 1205.03, "a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice." While it is respectfully submitted that the section of the Appeal Brief captioned "Summary of the Claimed Subject Matter" appearing on page 3 fully complies with the requirements of 37 C.F.R. § 41.37(c)(1)(v), to facilitate matters, a replacement "Summary of the Claimed Subject Matter" section is submitted herewith to replace the section of the Appeal Brief captioned "Summary of the Claimed Subject Matter."

Please replace the section of the Appeal Brief captioned "Summary of the Claimed Subject Matter" with the following replacement section:

**--5. SUMMARY OF THE CLAIMED SUBJECT MATTER**

Independent claim 9 relates to a process for producing one of (a) half-tubes (24, 26) and (b) a tube (12, 14) of a metallic, high-temperature-resistant material with a plurality of openings (22) passing through a surface (20) of the one of (a) the half-tubes (24, 26) and (b) the tube (12, 14) for fabricating heat-exchanger tubes for a recuperative waste gas heat exchanger (10). *Specification*, page 1, lines 2 to 7. The process includes forming a model, destroyable by heat, of each of the one of (a) the half-tubes (24, 26) and (b) the tube (12, 14); *Specification*, page 7, lines 2 to 6 and 8 to 12; forming a mold shell by finishing with a conventional gate system and immersion of the model in a ceramic coating composition and sanding with a cast shell ceramic material, alternating in several cycles; *Specification*, page 7, lines 14 to 18; melting-out of the model from the mold shell; *Specification*, page 7, lines 20 to 21; hardening the mold shell by firing; *Specification*, page 7, lines 21 to 23; producing a melt from the metallic, high-temperature-resistant material; *Specification*, page 4, lines 23 to 25; casting the melt in the mold shell one of (a) by applying a vacuum and (b) under excess pressure of an inert gas; *Specification*, page 7, lines 23 to 25; removing, after solidification of the melt, the one of (a) the half-tubes (24, 26) and (b) the tube (12, 14) from the mold by destroying the mold shell; cleaning and trimming the one of (a) the half-tubes (24, 26) and (b) the tube (12, 14) and removing a sprue; *Specification*, page 7, lines 2 to 6 and 34 to 35; and post-treating, as necessary, the openings (22) passing through the surface of the one of (a) the half-tubes (24, 26) and (b) the tube (12, 14) by one of (a) spark erosion and (b) blasting with an abrasive blasting agent; *Specification*, page 7, lines 2 to 6 and page 7, line 35 to page 8, line 5.

Independent claim 26 relates to a process for producing one of (a) half-tubes (24, 26) and (b) a tube (12, 14) of a metallic, high-temperature-resistant material with a plurality of openings (22) passing through a surface (20) of the one of (a) the half-tubes (24, 26) and (b) the tube (12, 14) for fabricating heat-exchanger tubes for a recuperative waste gas heat exchanger (10). *Specification*, page 1, lines 2 to 7. The process includes: (a) forming a model, destroyable by heat, of each of the one of (a) the half-tubes (24, 26) and (b) the tube (12, 14); *Specification*, page 7, lines 2 to 6 and 8 to 12; (b) after the step (a), forming a mold shell by finishing with a conventional gate system and immersion of the model in a ceramic coating composition and sanding with a cast shell ceramic material, alternating in several cycles; *Specification*, page 7, lines 14 to 18; (c) after the step (b), melting-out of the model

from the mold shell; *Specification*, page 7, lines 20 to 21; (d) after the step (c), hardening the mold shell by firing; *Specification*, page 7, lines 21 to 23; (e) after the step (d), producing a melt from the metallic, high-temperature-resistant material; *Specification*, page 4, lines 23 to 25; (f) after step (e), casting the melt in the mold shell one of (a) by applying a vacuum and (b) under excess pressure of an inert gas; *Specification*, page 7, lines 23 to 25; (g) after step (f), removing, after solidification of the melt, the one of (a) the half-tubes (24, 26) and (b) the tube (12, 14) from the mold by destroying the mold shell; (h) after step (g), cleaning and trimming the one of (a) the half-tubes (24, 26) and (b) the tube (12, 14) and removing a sprue; *Specification*, page 7, lines 2 to 6 and 34 to 35; and (i) after step (h), post-treating, as necessary, the openings (22) passing through the surface of the one of (a) the half-tubes (24, 26) and (b) the tube (12, 14) by one of (a) spark erosion and (b) blasting with an abrasive blasting agent; *Specification*, page 7, lines 2 to 6 and page 7, line 35 to page 8, line 5.--.

It is believed and respectfully submitted that the foregoing replacement section fully complies with the requirements of 37 C.F.R. § 41.37(c)(1)(v) and that the Appeal Brief now fully complies with all of the requirements of 37 C.F.R. § 41.37.

In view of all of the foregoing and for all of the reasons more fully set forth in the Appeal Brief, reversal of all of the rejections set forth in the Final Office Action dated August 29, 2007 is respectfully requested.

Respectfully submitted,

Dated: June 17, 2008

By: /Clifford A. Ulrich/  
Clifford A. Ulrich (Reg. No. 42,194)

KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200  
**CUSTOMER NO. 26646**